



UNIVERSITY OF
TORONTO
FACULTY OF LAW



PHILOSOPHICAL FOUNDATION OF THE COMMON LAW

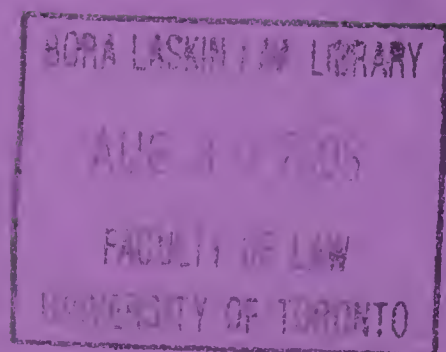
CASES AND MATERIALS

= 2006/7

PROFESSOR A. RIPSTEIN

**FACULTY OF LAW
UNIVERSITY OF TORONTO**

THESE MATERIALS ARE REPRODUCED AS CLASS MATERIAL.



Philosophical Foundations of the Common Law

Professor Ripstein

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Week Four

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Honoré "Responsibility and Luck" in Responsibility and Fault (Oxford: Hart Publishing, 1999)	193

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John Locke, "Of Property" in the Second Treatise of Government	207
Robert Nozick "Anarchy State and Utopia" 174 to 182	219
A. John Simmons "Original-acquisition justifications of private property" in Justification and Legitimacy (Cambridge UP 2000)	224

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Charles Fried, Contract as Promise 7-27 237

Barnett "A Consent Theory of Contract" *Columbia Law Review*, Vol. 86, No. 2 (Mar. 1986), 311-321 247

Week 7

Anthony T. Kronman "Contract Law and Distributive Justice" *The Yale Law Journal* Vol. 89, No. 3 (Jan., 1980), pp. 472-511 259

"Paternalism and the Law of Contracts" *The Yale Law Journal* Vol. 92, No. 5 (Apr., 1983), pp. 763-798 299

Week 8

David Hume "Of Property" from *A Treatise of Human Nature*. 335

Annette Baier "The Laws of Nature" from *A Progress of Sentiments* to 220 – 243 ... 356

John Rawls "Two Concepts of Rules" in *Collected Papers* Samuel Freeman (Ed) Harvard University Press 1999 368

Week 9

Gregory Keating "Pressing Precaution Beyond the Point of Cost Justification" *Vanderbilt Law Review*, Vol. 56, 2003 674-689. 398

Ronald Dworkin "What Is Equality? Part 3 -- the Place of Liberty" (Iowa Law Review, around 1987) 414

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Weinrib, "Negligence Liability" (from *The Idea of Private Law*) 468

Ripstein "As If It Had Never Happened" (Forthcoming in *William and Mary Law Review* 2006) 482

Week 11

Kant, "Private Right" from *The Metaphysics of Morals: Part One: the Doctrine of Right* (Cambridge, 1990). 510

Ripstein, "Authority and Coercion" 6-22. 522

Week 12

Ripstein, "The Division of Responsibility and the Law of Tort" *Fordham Law Review*
April 2004 handout

Perry " On the Relationship between Corrective and Distributive Justice" (*Oxford Essays
in Jurisprudence, Fourth Series*) Edited by Jeremy Horder 1999. handout

Ripstein, "Private Order and Public Justice: Kant and Rawls." (Forthcoming *Virginia
Law Review* 2006) handout

